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APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,263	04/26/2001	William Whiteside Wilson III	MED385/00180A	9749

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,263

Applicant(s)

WILSON ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined. Application 09/843,263 (SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO FACILITATE REMOTE STATION ADVERTISING) has a filing date 04/26/2001 and Claims Priority from Provisional Application 60200483 (04/28/2000).

Specification

2. The disclosure is objected to because of the following informalities:

A. Appendix: 37 CFR 1.96 deals with appendices in Patent Applications and reads in part:

37 CFR 1.96 - Submission of computer program listings.

Descriptions of the operation and general content of computer program listings should appear in the description portion of the specification. A computer program listing for the purpose of these rules is defined as a printout that lists in appropriate sequence the instructions, routines, and other contents of a program for a computer. The program listing may be either in machine or machine - independent (object or source) language which will cause a computer to perform a desired procedure or task such as solve a problem, regulate the flow of work in a computer, or control or monitor events. Computer program listings may be submitted in patent applications in the following forms:

(a) Material which will be printed in the patent. If the computer program listing is contained on 10 printout pages or less, it must be submitted either as drawings or as part of the specification.

(1) Drawings. The listing may be submitted in the manner and complying with the requirements for drawings as provided in § 1.84. At least one figure numeral is required on each sheet of drawing.

(2) Specification.

(I) The listing may be submitted as part of the specification in accordance with the provisions of § 1.52, at the end of the description but before the claims.

(ii) The listing may be submitted as part of the specification in the form of computer printout sheets (commonly 14 by 11 inches in size) for use as camera ready copy when a patent is subsequently printed. Such computer printout sheets must be original copies from the computer with dark solid black letters not less than 0.21 cm high, on white, unshaded and unlined paper, the printing on each sheet must be limited to an area 9 inches high by 13 inches wide, and the sheets should be submitted in a protective cover. When printed in patents, such computer printout sheets will appear at the end of the description but before the claims and will usually be reduced about $\frac{1}{2}$ in size with two printout sheets being printed as one patent specification page. Any amendments must be made by way of submission of a substitute sheet if the copy is to be used for camera ready copy.

(b) As an appendix which will not be printed. If a computer program listing printout is 11 or more pages long, applicants may submit such listing in the form of microfiche, referred to in the specification (see § 1.77(c)(2)). Such microfiche filed with a patent application is to be referred to as a microfiche appendix. The microfiche appendix will not be part of the printed patent. Reference in the application to the microfiche

appendix should be made at the beginning of the specification at the location indicated in § 1.77(c)(2). Any amendments thereto must be made by way of revised microfiche. All computer program listings submitted on paper will be printed as part of the patent.

(1) Availability of appendix. Such computer program listings on microfiche will be available to the public for inspection, and microfiche copies thereof will be available for purchase with the file wrapper and contents, after a patent based on such an application is granted or the application is otherwise made publicly available.

(2) Submission requirements. Computer - generated information submitted as an appendix to an application for patent shall be in the form of microfiche in accordance with the standards set forth in the following American National (ANSI) or National Micrographics Association (NMA) Standards (Note: As new editions of these standards are published, the latest shall apply):

Appendix A which comprises the pages A-1 through A-20 is an improper appendix. As stated in 37 CFR 1.96 above, an appendix may only contain a computer program listing. Applicant should remove the appendix and any reference to this appendix which appear in the specification (page 13 lines 3-8).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Montero U.S. 6,133,912).

As per claim 1, Montero teaches:

An audiovisual presentation system to retrieve dynamically modify and present geographically relevant content to one or more discernible receiving locations within a larger universe of such locations based on specified user criteria, said system comprising:

at least one data acquisition general purpose computer comprising a central processing unit and at least one video display unit and at least one input device communicably attached to said central processing unit, said video display and input device configured to facilitate user' interaction with said central processing unit (see figures 1 and 5; column 4, lines 21-50);

at least one data acquisition database in communication with said central processing unit, video display and input device said database permitting said user to interactively store and manipulate said geographically relevant data based upon said

criteria (see column 4, lines 20-67; column 7, lines 1-5; column 7, line 59 – column 8, line 5; column 8, lines 61-67);

first data acquisition and manipulation software residing and executing within said data acquisition central processing unit to analyze said database based upon said criteria specified by the user via said video display and input devices, said software execution yielding geographically relevant and encoded audio and visual content (see column 7, line 57 – column 8, line 5);

at least one receiving site general purpose computer comprising a central processing unit and at least one video display unit and at least one input device communicably attached to said central processing unit, said video display and input device configured to facilitate user interaction with said receiving site central processing unit (see column 4, lines 4-50; figures 1 and 4);

at least one receiving site content database in communication with said receiving site central processing unit, video display and input device said database permitting said remote user to interactively store and manipulate geographically relevant data (see column 8, lines 55-67);

a least one decoding means communicably attached to said data acquisition and said receiving site general purpose computers, said decoding means facilitating the acquisition of geographically relevant encoded information intended for presentation to computer compatible audio and visual devices communicably attached to said receiving site general purpose computer (see column 4, line 5-63);

second data acquisition and manipulation software residing and executing within said receiving site central processing unit to analyze said acquired geographically relevant information , said second data acquisition and manipulation software execution yielding a customized presentation of geographically relevant audio, visual and text content upon computer compatible audio and visual devices communicably attached to said receiving site general purpose computer (see column 4, lines 27-67; column 7, line 57 – column 8, line 5).

As per claim 2, Montero teaches:

The system as recited in claim 1 wherein said data acquisition and said receiving site general purpose computers, are communicably attached via a computer compatible communications network (see figure 1).

As per claim 3, Montero teaches:

The system as recited in claim 1 wherein said input devices are computer keyboards or computer mouses and said video displays are computer monitors (see column 4, lines 20-27).

As per claim 4, Montero teaches:

The system as recited in claim 1 wherein said presented geographically relevant content is visually perceptible text data (see column 4, lines 63-67; column 7, line 58 – column 8, line 5).

As per claim 5, Montero teaches:

The system as recited in claim 1 wherein said presented geographically relevant content is audibly perceptible information (see column 4, line 63 – column 5, line 2).

As per claim 6, Montero teaches:

The system as recited in claim 1 wherein said presorted geographically relevant content is motion video content (see column 4, line 63 – column 5, line 2).

As per claim 7, Montero teaches:

The system as recited in claim 1 wherein said presented geographically relevant content is a combined media presentation, said combined media selected from a group including audibly perceptible information, motion video content and visually perceptible text data (see column 4, line 63 – column 5, line 2).

As per claim 8, Montero teaches:

An audiovisual presentation method to retrieve dynamically modify and present geographically relevant content to one or discernible receiving locations within a large universe of such locations based on specified user criteria, said method comprising:

determining the scope and source of geographically relevant information to be acquired via a computer compatible communications network;

communicating said scope and source of geographically relevant information to be acquired to a first data acquisition and manipulation software means as data acquisition determinants;

executing said first data acquisition and manipulation software to acquire said geographically relevant information based upon said communicated data acquisition determinants;

associating a encoded remote location identifier with acquired geographically relevant information to facilitate selective reception of said acquired geographically

relevant information at one or more distinctly addressable remote locations within a larger universe of such locations:

transmitting said encoded remote location identifier with said acquired geographically relevant information to at least one receiving site general purpose computer via a computer compatible communications network:

analyzing and manipulating via second data acquisition and manipulation software said transmitted encoded remote location identifier and said acquired geographically relevant information, said second software analysis and manipulation yielding a customized presentation of geographically relevant audio visual and text content upon at least one computer compatible audio device and one computer compatible visual display device communicably attached to said receiving site general purpose central processing. Claim 8 contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 9, Montero teaches:

The method of Claim 8 wherein said transmitting of encoded remote location identifier and said acquired geographically relevant information to at least one receiving site general purpose computer is facilitated via the Internet. Claim 9 contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 10, Montero teaches:

The method of Claim 8 wherein said transmitting of encoded remote location identifier and said acquired geographically relevant information to at least one receiving site general purpose computer is facilitated via at least one satellite communication link

and wherein said transmitted identifier and information is first received by a satellite communication decoding means communicably attached to said receiving site general purpose computer (see column 4, lines 1-3).

As per claim 11, Montero teaches:

The method of Claim 8 wherein said transmitting of encoded remote location identifier and said acquired geographically relevant information to at least one receiving site general purpose computer is facilitated via the Internet and at least one satellite communications link. Claim 11 contains the same limitations as claims 9 and 10 therefore the same rejection is applied.

As per claim 12, Montero teaches:

The method of Claim 8 wherein said analyzing anti manipulating via second data acquisition and manipulation software further includes integrating remotely stored receiving site content with said transmitted encoded remote location identifier and said acquired geographically relevant information to yield a customized presentation of geographically relevant audio visual and text content upon at least one computer compatible audio device and computer compatible visual display device communicably attached to said receiving site general purpose central processing unit (see column 6, line 48 – column 7, line 9; column 7, line 57 – column 8, line 5).

As per claim 13, Montero teaches:

The method of Claim 8 further comprising the steps of:

scheduling the presentation of audio and visual content to said computer compatible audio and computer compatible visual display devices communicably

attached to said receiving site general purpose central processing unit (see column 5, lines 25-42).

As per claim 14, Montero teaches:

A computer readable medium encoded with a computer program for retrieving dynamically modifying and presenting geographically relevant content to one or discernible receiving locations within a larger universe of such locations based on specified user criteria, said method comprising collaboratively determining optimal space utilization comprising:

a code segment for receiving determinants including the scope and source of geographically relevant information to the acquired via a computer compatible communications network;

a code segment for acquiring said geographically relevant information based upon said communicated data acquisition determinants:

a code segment for encoding a remote location identifier with acquired geographically relevant information to facilitate selective reception of said acquired geographically relevant information at one or more distinctly addressable remote locations within a larger universe of such locations; and

a code segment for transmitting said encoded remote location identifier with said acquired geographically relevant information to at least one receiving site general purpose computer via a computer compatible communications network. Claim 14 contains the same limitations as claim 8 therefore the same rejection is applied.

As per claim 15, Montero teaches:

The computer program of Claim 14 wherein said code segment for transmitting encoded remote location identifier and acquired geographically relevant information to at least one receiving site general purpose computer further comprises initiating such transmission via the Internet. Claim 15 contains the same limitations as claim 9 therefore the same rejection is applied.

As per claim 16, Montero teaches:

The computer program of Claim 14 wherein said code segment for transmitting encoded remote location identifier and acquired geographically relevant information to at least one receiving site general purpose computer further comprises initiating such transmission via the Internet and at least one satellite communication link. Claim 16 contains the same limitations as claim 11 therefore the same rejection is applied.

As per claim 17, Montero teaches:

A computer readable medium encoded with a computer program for analyzing and manipulating encoded remote location identifier and geographically relevant information comprising:

a code segment for analyzing and manipulating said remote location identifier and geographically relevant information said analysis and manipulation yielding a customized presentation of geographically relevant audio and visual content upon at least one computer compatible audio and one computer compatible visual display device communicably attached to a receiving site general purpose central processing unit. Claim 17 contains the same limitations as claim 12 therefore the same rejection is applied.

As per claim 18, Montero teaches:

The program of Claim 17 wherein said code segment for analyzing and manipulating further comprises integrating remotely stored receiving site content with said transmitted encoded remote location identifier and said acquired geographically relevant information to yield a customized presentation of geographically relevant audio and visual content upon at least one computer compatible audio and computer compatible visual display device communicably attached to said receiving site general purpose central processing unit. Claim 18 contains the same limitations as claim 12 therefore the same rejection is applied.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Gupta teaches a method for local advertising.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
September 3, 2004


JAMES W. MYHRE
PRIMARY EXAMINER